



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,495	07/07/1999	JACOBUS CORNELIS HAARTSEN	040070-438	5322

21839 7590 06/16/2003

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,495

Applicant(s)

HAARTSEN, JACOBUS CORNELIS

Examiner

Soon-Dong Hyun

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 and 27 is/are allowed.
- 6) ☒ Claim(s) 1,2,8,10-13,19-21,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3-7,9 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2663

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1- have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 1, 12-17, 19, 21 and 23 are objected to because of the following informalities.

In claim 1, line 5, "the" before "set" should be changed to -- a -- to avoid lack of antecedent basis..

In claim 3, line 7, "an" should be changed to -- the --.

Claims 12-17, 19, 21, and 23 are objected to because all instances of "configured to" in each claim should be deleted to make the claim positive. Languages such as "adapted to/for", "configured to/for", or arranged to/for" (or similar phrases such as "enabled to", "capable of", etc.) are not considered positive recitation per MPEP 2106.

In claim 13, line 3, "a" should be changed to -- the --.

In claim 14, line 5, "the" before "one" should be deleted to avoid antecedent basis.

In claim 19, line 4, "the" before "third" should be changed to -- a --to avoid lack of antecedent basis. Appropriate correction is required.

Art Unit: 2663

Claim Rejections - 35 U.S.C. § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 8, line 5, it is not clear whether “the set of time slots” refers to “the set of time slots” in claim 1, line 5.

In claim 8, lines 5-6, the limitation of “the set of time slots associated with the second synchronous communication link” lacks antecedent basis.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 8, 10-13, 19-21, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lev et al (U.S. patent No. 5,483,524).

Regarding claims 1 and 12, Lev et al discloses a method (system) for establishing a link on a shared communications channel (319) divided into a plurality of time slots (not shown, but a plurality of time slots are inherent, because the RF communications are based on GSM, see col. 1 lines 41-45), the method comprising the steps of:

Art Unit: 2663

establishing a synchronous communications link between a first (305) and second communication unit (323), see col. 5, lines 1-24; and

communicating a first data packet (see col. 4, lines on a first one of the set of time slots associated with the synchronous communication link from the first communication unit to the second communication unit by including an address (a destination identifier) associated with the second communication unit in the first data packet, see col. 4, lines 51-59.

Regarding claims 2 and 13, Lev et al does not explicitly teach that the method further includes the steps of:

reserving a set of the plurality of time slots for use by the synchronous communications link separating each one of the time slots associated with the set by a fixed time interval.

However, the steps are inherently required in Lev et al because Lev et al discloses a circuit-switched channel for transmitting packets, and it is well-known that a set of the plurality of time slots are assigned and reserved for the synchronous communications and each one of the time slots associated with the set is separated by a fixed time interval.

Regarding claims 8 and 19, Lev et al further discloses another target destination (a third communication unit, col. 3, lines 42-43), i.e., a second synchronous communication link between the first communication unit and the third communication unit as recited in the claim.

Regarding claims 10, 11, 20, and 21, Lev et al further discloses a second RF channel(320).

Art Unit: 2663

Regarding claims 25 and 26, Lev et al further discloses that the link established between the first and second communication unit uses one or more time slots as the definition for the frameless protocol as described in page 10, lines 15-16.

Allowable Subject Matter

6. Claims 22-24 and 27 are allowed.
7. Claims 3-7, 9, and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

Commissioner for Patents

Art Unit: 2663

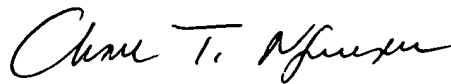
Washington, D.C. 20231

Or faxed to: 703-872-9314 for formal communications intended for entry with a label of
“OFFICIAL” and for informal or draft communications with a label of “PROPOSED” or
“DRAFT” (attn: Art Unit 2663, Soon-Dong Hyun).

4/

S. Hyun

06/12/2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600